

**TITLE EIGHT**

**PLANNING & ZONING**

**CHAPTER 1**

**FLOOD DAMAGE PREVENTION**

**ARTICLE 1**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**§ 8-1-1. STATUTORY AUTHORIZATION.**

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Augusta Commission of Augusta, Georgia does ordain the provisions of this Chapter:

**§ 8-1-2. FINDINGS OF FACT.**

- (a) The flood hazard areas of Augusta, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**§ 8-1-3. STATEMENT OF PURPOSE.**

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (b) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

- (d) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (e) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**§ 8-1-4. OBJECTIVES.**

The objectives of this Chapter are:

- (a) to protect human life and health;
- (b) to minimize expenditure of public money for costly flood control projects;
- (c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) to minimize prolonged business interruptions;
- (e) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (f) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) to insure that potential home buyers are notified that property is in a flood area.

**§ 8-1-5. - - 8-1-9. RESERVED.**

**ARTICLE 2**

**DEFINITIONS**

**§ 8-1-10. SPECIFIC DEFINITIONS.**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

- (a) **Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".
- (b) **Appeal.** A request for a review of the Executive Director's interpretation of any provision of this Chapter or a request for a variance.
- (c) **Area of shallow flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (d) **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 3, Section 8-1-17.
- (e) **Base flood.** The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (f) **Base Flood Elevation (BFE).** The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.
- (f) **Basement.** That portion of a building having its floor subgrade (below ground level) on all sides.
- (g) **Building.** Any structure built for support, shelter, or enclosure for any occupancy or storage.
- (h) **City Engineer.** The City Engineer for Augusta, GA.
- (i) **Commission.** The Augusta Commission
- (j) **Critical Facilities.** Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (1) structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
  - (2) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
  - (3) emergency operation centers or data storage center which contain records or services that may become lost or inoperative during flood and storm events; and
  - (4) generating plants, and other principal points of utility lines.
- (k) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.
- (l) **Elevated building.** A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- (m) **Executive Director.** The Executive Director of the Augusta-Richmond County Planning Commission.
- (m) **Existing Construction.** Any structure for which the "start of construction" commenced before February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).
- (n) **Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).
- (o) **Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- (p) **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) the overflow of inland or tidal waters; or
  - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- (q) **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of Special Flood Hazard have been defined as Zone A.

- (r) **Flood Insurance Rate Map (FIRM).** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of Special Flood Hazard and/or risk premium zones applicable to the community.
- (s) **Flood Insurance Study.** The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
- (t) **Floodplain.** Any land area susceptible to flooding.
- (u) **Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (v) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (w) **Floodway fringe, lower.** The portion of the area of Special Flood Hazard that is located between the limit of the floodway and a line connecting all points half the distance between the floodway and the limit of the area of Special Flood Hazard.
- (x) **Floodway fringe, upper.** The portion of the area of Special Flood Hazard that is located between the lower floodway fringe and the boundary of the area of Special Flood Hazard.
- (y) **Floor.** The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- (z) **Functionally dependent facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales or service facilities.
- (aa) **Highest adjacent grade.** The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.
- (bb) **Historic Structure.** Any structure that is:
  - (1) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (3) individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (4) individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the Secretary of the Interior; or
  - b) directly by the Secretary of the Interior in states without approved programs.
  
- (cc) **Lowest floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.
  
- (dd) **Manufactured home.** A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.
  
- (ee) **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).
  
- (ff) **National Geodetic Vertical Datum (NGVD).** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
  
- (gg) **New construction.** (for purposes of determining insurance rates and for floodplain management purposes) ANY structure (see definition) for which the "start of construction" commenced after February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP) - and includes any subsequent improvements to such structure.
  
- (hh) **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation - the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).
  
- (ii) **Recreational vehicle** means a vehicle which is:
  - (1) built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) designed to be self-propelled or permanently towable by a light duty truck; and

- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (jj) **Start of construction.** The date the Development Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: Accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (kk) **Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
- (ll) **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- (mm) **Substantial improvement.** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be:
- (1) the appraised value of the structure prior to the start of the initial repair or improvement; or
  - (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.
- For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.
- (nn) **Substantially improved existing manufactured home parks or subdivisions.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- (oo) **Variance.** A grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter.

(pp) **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

§ 8-1-11. - - 8-1-15. **RESERVED.**

**ARTICLE 3**  
**GENERAL PROVISIONS**

**§ 8-1-16. LANDS TO WHICH THIS CHAPTER APPLIES.**

This Chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Augusta, Georgia.

**§ 8-1-17. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of Special Flood Hazard, identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated February 15, 1978 for the City of Augusta prior to consolidation and March 4, 1980 for the unincorporated areas of Richmond County prior to consolidation, with accompanying maps and other supporting data and any revision thereto, the most recent revision being September 25, 2009, are adopted by reference and declared a part of this Chapter.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located at 525 Telfair Street, Augusta, GA.

**§ 8-1-18. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required, in conformance with the provisions of this Chapter, PRIOR to the commencement of any development activities.

**§ 8-1-19. COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

**§ 8-1-20. ABROGATION AND GREATER RESTRICTIONS.**

This Chapter is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§ 8-1-21. INTERPRETATION.**

In the interpretation and application of this Chapter all provisions shall be:

- (a) considered as minimum requirements;

- (b) liberally construed in favor of the Governing Body, and;
- (c) deemed neither to limit nor repeal any other powers granted under state statutes.

**§ 8-1-22. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Augusta, GA, the Commission, and/or the Augusta-Richmond County Planning Commission or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**§ 8-1-23. ENFORCEMENT AND PENALTIES FOR VIOLATION**

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall be reported to the City Engineer. Once a violation is evident, the City Engineer, acting on behalf of the Commission, shall be empowered to notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the development activity until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the City Engineer shall notify the City Attorney of the violation; and the City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate or remove such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than sixty (60) days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

**§ 8-1-24 - - 8-1-28. RESERVED.**

## ARTICLE 4

### ADMINISTRATION

#### § 8-1-29. DESIGNATION OF EXECUTIVE DIRECTOR.

The Executive Director of the Augusta-Richmond County Planning Commission is hereby appointed to administer and implement the provisions of this Chapter.

#### § 8-1-30. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Executive Director on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(a) Application Stage -

- (1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (3) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 5, Section 8-1-44(b);
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(b) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Executive Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit

certification or failure to make said corrections required hereby, shall be cause to issue a Stop-Work Order for the project.

**§ 8-1-31. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR**

Duties of the Executive Director shall include, but shall not be limited to:

- (a) Review all Development Permits to assure that the permit requirements of this Chapter have been satisfied;
- (b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (d) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 3, Section 8-1-17, then the Executive Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 5.
- (e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 4, Section 8-1-30(b).
- (f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section 8-1-30(b).
- (g) When flood-proofing is utilized for a structure, the Executive Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, Section 8-1-30(a)(3) and Article 5, Section 8-1-44(b) or Article 5, Section 8-1-48(b).
- (h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (k) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Executive Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.

- (l) All records pertaining to the provisions of this Chapter shall be maintained in the office of the Executive Director and shall be open for public inspection.

**§ 8-1-32. VARIANCE PROCEDURES**

- (a) The Zoning Board of Appeals as established by the Commission shall hear and decide requests for appeals or variance from the requirements of this Chapter.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Executive Director in the enforcement or administration of this Chapter.
- (c) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Richmond County, Georgia, as provided in O.C.G.A. Sec. 5-4-1; however all appeals shall be on record and shall not be de novo.
- (d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) In reviewing such requests, the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Chapter, and:
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;
  - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site; and

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (f) Upon consideration of the factors listed above and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
- (g) Variances shall not be issued within any designated floodway, or lower floodway fringe, if ANY increase in flood levels during the base flood discharge would result.
- (h) Conditions for Variances:
  - (1) The provisions of this Chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
  - (2) A variance shall be issued ONLY when there is:
    - (a) a finding of good and sufficient cause,
    - (b) a determination that failure to grant the variance would result in exceptional hardship, and;
    - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (i) The Executive Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (j) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

§ 8-1-33 - - 8-1-42. **RESERVED.**

## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### § 8-1-43. GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (a) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (c) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (e) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) New on-site waste disposal systems shall be located within the Special Flood Hazard Area per the provisions of the Georgia Onsite Wastewater Regulations;
- (i) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this Chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and
- (j) Elevated Buildings - All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or a flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - (1) A minimum of two (2) openings that are installed no more than twelve (12) inches above the higher of the final interior or exterior grade, and that are installed in at least two different sides (preferably the sides in the direction of the flow of floodwater) of each enclosed area, must be provided, where the openings:

- (a) Have a total open net area of not less than one square inch for every square foot of enclosed area. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they are disabled in the open position and also permit the automatic flow of floodwater in both directions.; or
  - (b) Are individually certified by a design professional licensed to do design work in the State of Georgia stating that the openings are designed to automatically equalize hydrostatic flood loads on exterior walls by allowing the automatic entry and exit of floodwaters in accordance with the American Society of Civil Engineers – Flood Resistant Design and Construction (ASCE 24) and that an appropriate number of vents are provided. A copy of the Engineer’s Certification (signed and sealed) along with the applicable section from the Flood Ordinance (this section) allowing for the use of these engineered openings must be attached to the Elevation Certificate; or
  - (c) Are ICC-ES accepted engineered flood vents, and the appropriate number of such vents are provided and installed in accordance with the manufacturer’s specifications. A copy of the ICC-ES Evaluation Report along with the applicable section from the Flood Ordinance (this section) allowing for the use of these engineered flood vents must be attached to the Elevation Certificate.
- (2) So as not to violate the "Lowest Floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
  - (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
  - (4) An attached garage may have its flood below the BFE provided the garage meets all of the requirements for an enclosed area below the BFE, including, but not limited to, the installation of openings that meet Section 8-1-43-(j)-(1) above. Opens may be installed in garage doors; however, garage doors do not meet the requirement for openings. The use of the garage space must be limited to parking of vehicles, building access and storage. Section 8-1-43-(j)-(3), above, must be strictly adhered to. Flood damage-resistant materials must be used below the BFE and all utilities must be elevated to be three (3) feet above the BFE.
  - (5) Crawlspace that are below-grade on all sides (basements) are not allowed.
  - (6) Detached garages and detached storage building are allowed, without the requirement to elevate to three (3) feet above the BFE in AE zones, or three (3) feet above the highest adjacent grade in A zones, if they comply with all of the requirements for enclosures:
    - (a) must be used for parking of vehicles and storage only;
    - (b) must be constructed of flood damage-resistant materials below the area that is three (3) feet above the BFE;
    - (c) all utilities must be elevated to be three (3) feet above the BFE;

- (d) the requirements for flood openings that meet Section 8-1-43-(j)-(1) above must be satisfied;
- (e) must be anchored to resist floatation, collapse or lateral movement under flood conditions.

**§ 8-1-44. SPECIFIC STANDARDS**

In ALL areas of Special Flood Hazard the following provisions are required:

- (a) New construction and substantial improvements. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section 8-1-43(j), "Elevated Buildings".
  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above three (3) feet above the base flood elevation.
- (b) Non-Residential Construction. New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to three (3) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, Section 8-1-31(g).
- (c) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:
  - (1) All manufactured homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three (3) feet above the base flood elevation.
  - (2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - (a) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or
    - (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

- (3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 5, Section 8-1-43(b) ).
- (4) All recreational vehicles placed on sites must either:
  - (a) Be on the site for fewer than 180 consecutive days.
  - (b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
  - (c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Article 5, Section 8-1-44(c)(1) and (3).
- (d) Floodway. Located within areas of Special Flood Hazard established in Article 3, Section 8-1-17, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
  - (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
  - (2) ONLY if Article 5, Section 8-1-44(d)(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 5.
  - (3) The placement of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 8-1-43 (b) are met, and the elevation standards of § 8-1-44 (a) and the encroachments standards of subsection (1) of this Section are met.
  - (4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.
- (e) Floodway fringe, lower. Within the lower floodway fringe is the area between the floodway and the upper floodway fringe that is lower than a lines one-half (1/2) the distance between the floodway and the boundary of the area of Special Flood Hazard. The lower floodway fringe is a transitional area that is hazardous due to its proximity to the floodway and encroachment by fill or development within this area could have serious impact on the entire floodplain. The following provisions shall apply with the lower floodway fringe:
  - (1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification by a registered

professional engineer, with supporting technical data, is provided to the Executive Director demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;

- (2) If Article 5, Section 8-1-44(d)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
  - (3) The placements of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section 8-1-43(b), and the elevation standards of Article 5, Section 8-1-44(a), and the encroachment standards of Article 5, Section 8-1-44(d)(1) are met.
  - (4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.
- (k) Large Tracts. If a tract contains over one (1) acre located within the area of Special Flood Hazard, then development or land disturbance on that portion of the tract located within the Special Flood Hazard area shall comply with the standards for lower floodway fringe set forth in § 8-1-44 (e).
- (l) Other area unsuitable for development. Land subject to flooding that is not located within a mapped area of Special Flood Hazard may, at the discretion of the Executive Director or City Engineer, be required to comply with any or all standards set forth in this Chapter.
- (m) Grading in the area of the Special Flood Hazard. Grading (including excavating, filling, or any culmination thereof) shall be prohibited in the area of the Special Flood Hazard except for the following:
- (1) Minimum land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work and other related activities;
  - (2) Agricultural practices involving the establishment, cultivation or harvesting or products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.
  - (3) Projects permitted by or carried out under the technical supervision of the U.S. Department of Agriculture, U.S. Army Corps of Engineers, or any other agency of the U.S. Government;
  - (4) Cemetery graves;
  - (5) Excavation for wells or tunnels or utilities;
  - (6) Approved mining, quarrying, stockpiling of rock, sand, gravel aggregates or clay where established and provided for by law;
  - (7) Exploratory excavations under the direction of soils engineers or engineering geologists;

- (8) Where consistent with other provisions of this Chapter, minimum grading for land development or construction which does not result in topographic changes greater than two (2) feet at any location and which is not for the sole purpose of elevating structures pursuant to Article 5, Section 8-1-44(a) and Article 5, Section 8-1-44(b) of this Chapter. In no case, shall fill be transported into the area of Special Flood Hazard.
  - (a) Detention ponds and retention ponds are exempt from the provisions 8-1-44-(m)-(8), provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment by the detention pond or retention pond shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
    - (1) Under no circumstances shall a detention pond or a retention pond be located in the area of Special Flood Hazard.
- (9) Construction activities at existing Industrial Sites which were developed before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP), such as dikes, ditches and ponds.
- (n) As-built Drawings and Certification. Within the area of the Special Flood Hazard, as-built drawings and certifications shall be provided by a registered professional engineer and/or a registered land surveyor pursuant to 8-1-30(b) and 8-1-44(b) of this Ordinance and also when required by the Site Plan Regulations or the Subdivision Regulations. As-built drawings and certifications may be required in other situations at the discretion of the Executive Director.

**§ 8-1-45. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS (A-ZONES).**

Located within the Areas of Special Flood Hazard established in Article 3, Section 8-1-17, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (a) No encroachments, including structures or fill material, shall be located within an area equal to five (5) times the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) In Special Flood Hazard Areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section 8-1-43(j), "Elevated Buildings".
  - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall

be elevated no less than three (3) feet above the highest adjacent grade at the building site.

The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (c) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section 8-1-17, then the Executive Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5. ONLY if data are not available from these sources, then the provisions of (a) and (b) of this Section shall apply.

**§ 8-1-46. STANDARDS FOR SUBDIVISIONS.**

- (a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (d) For subdivisions and/or developments greater than fifty lots of five acres, whichever is less, base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLMOR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final Letter of Map Revision (LOMR).

**§ 8-1-47. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).**

Areas of Special Flood Hazard established in Article 3, Section 8-1-17, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section 8-1-43(j), "Elevated Buildings".

The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (b) New construction or the substantial improvement of a non-residential structure:

- (1) Shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade.
- (2) May be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 4, Section 8-1-30(a)(3) and Article 4, Section 8-1-30(b).
- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**§ 8-1-48 STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARD (ZONES AE) WITH ESTABLISHED BASE FLOOD ELEVATIONS WITHOUT DESIGNATED FLOODWAYS**

Located within the Areas of Special Flood Hazard established in Article 3, Section 8-1-17, where streams with base flood elevations are provided but no floodways have been designated, (Zone AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within Special Flood Hazard Areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5, Section 8-1-44.

**§ 8-1-49 STANDARDS FOR CRITICAL FACILITIES**

- (a) Critical facilities shall not be located in the 100 year floodplain or the 500 year floodplain.
- (b) All ingress and egress from any critical facility must be protected to the 500 year flood elevation.

**§ 8-1-50. RESERVED.**

**§ 8-1-51. SEVERABILITY**

If any Section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

Section 2. This Chapter shall become effective upon adoption.

Section 3. All Ordinances or parts of Ordinances in conflict with this Chapter are hereby repealed.

Duly adopted by the Augusta Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

AUGUSTA COMMISSION

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Commission